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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
Pre-sessional Working Group
15-19 May 2000

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the second periodic report of Japan concerning the rights covered by articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.21)

I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

1. Please indicate which of the rights referred to in the Covenant and guaranteed by the Constitution of Japan are effectively justiciable and whether any relevant case-law exists.

2. Please explain the necessity of maintaining reservations to articles 7 (d), 13 (2b) and 13 (2c) of the Covenant. Please provide the time-frame within which Japan plans to withdraw these reservations.

3. Please indicate in what way non-governmental organizations contributed to the preparation of the report, and whether the report has been distributed to the general public.

4. Please indicate whether the Government of Japan is planning to draw up a national plan of action for human rights, as recommended in paragraph 71 of the Vienna Declaration and Programme of Action of 1993.

5. Please indicate the position of the Government of Japan concerning an optional protocol to the International Covenant on Economic, Social and Cultural Rights, as recommended by the World Conference on Human Rights.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2 (1): Obligations of States parties

6. In its international economic relations, especially in the field of international trade and investment policy formulation, to what extent does the Government take into account its obligations under the Covenant, particularly under articles 2 (1), 1 (1) and 22?

Article 2 (2): Non-discrimination

7. Please provide more detailed information on the situation of the Buraku (Dowa), Ainu, Wiruta, Nibuhi and Kyukyu peoples, and the Korean and other foreign residents in Japan.

8. Please explain the judicial practice in Japan in implementing constitutional and legal provisions regarding the prohibition of discrimination against women.

Article 3: Equal rights of men and women

9. Please indicate the situation in Japan regarding the equal right of men and women to the enjoyment of the rights contained in the Covenant.

10. The Committee would be interested to hear about developments regarding women in posts of public responsibility during the last five years.

11. The Committee would welcome information on the outcome of Japan's Plan for Gender Equality 2000.

III. ISSUES RELATING TO SPECIFIC RIGHTS RECOGNIZED IN THE COVENANT (arts. 6-15)

Article 6: Right to work

12. Please update the information provided in table 3 of the report on unemployment trends over the last three years.

13. Please provide information on the implementation of the provisions of the Covenant concerning the employment of persons with disabilities in Japan.

14. Please provide information on the implementation in practice of the Revised Equal Employment Opportunity Law of April 1999, mentioned in paragraph 41 (a) and (b) of the report, prohibiting employers from discriminating against women.

Article 7: Right to just and favourable conditions of work

15. Please indicate the evolution over the last five years of the relationship between the minimum wage and the cost of living.

16. Please provide information on sexual harassment in the workplace, which a Japanese trade union confederation alleges has been reported by 40 per cent of female workers.

17. Please provide information regarding the conditions of work of the indigenous groups and of Korean and other foreign residents in Japan.

18. The Committee would like to know whether the Government of Japan intends to ratify ILO Convention No. 111 on Discrimination (Employment and Occupation).

Article 8. Trade union rights

19. Please provide information on the right to strike in Japan and the number of legal and illegal strikes in the last five years.

Article 9. Right to social security

20. Please indicate what proportions of the general State budget and local administration budgets have been allocated to social security in the last five years.

21. Please indicate whether there is a compulsory retirement age and whether retired persons are allowed to work without forfeiting their pension benefits.

22. Please provide information on whether there are national or foreign groups that are not covered by the social security system, please provide information on the situation of part-time workers.

Article 10. Protection of the family, mothers and children

23. Please provide more detailed information on attitudes and customs regarding the origin of families and their social status in marriage, referred to in paragraph 118 of the report, and on the action taken by the Government of Japan to protect and promote all members of the family as provided for in article 10 of the Covenant.

24. Please provide information regarding the incidence of violence against women and children, in particular violence in the home, as well as the measures adopted to provide assistance and legal redress where necessary.

25. Please provide information on juvenile delinquency and measures for the rehabilitation of young offenders.

26. Please provide information on the scale of the problem of prostitution, particularly child prostitution, in Japan and on the steps the Government has taken to solve it.

27. Please provide the most current information regarding the attitude of and measures taken by the Government to address the problem surrounding "comfort women" and their demands, and the time-frame within which the Government is planning to remedy them.

Article 11: Right to an adequate standard of living

28. Please explain why it is not possible to obtain data on the per capita income of the poorest segment of the population and why there is no officially set poverty line.

29. Please provide detailed information on the number of homeless persons and of forced evictions in Japan.

30. Please provide information on the measures undertaken by the Government of Japan to rehabilitate the victims of the Great Hashin-Awaji Earthquake.

31. Please indicate the areas where sub-standard housing is concentrated as mentioned in paragraph 177 of the report and what proportion of the population lives in such housing.

Article 12: Right to physical and mental health

32. Please provide current data on the proportion of the State budget spent on health.

33. Please provide information regarding the extent to which social assistance covers the medical costs of insured persons, particularly for the most vulnerable and marginalized groups.

34. Please provide information on the number of suicides among children and the steps taken by the Government to eliminate this problem.

35. Please provide information on the health consequences of the March 1997 nuclear accident.

36. Please describe the situation of persons infected with HIV/AIDS and the assistance the Government provides for them. Please describe how they are protected from discrimination, particularly in employment.

Articles 13 and 14: Right to education

37. Please provide information on the proportions of the State and local administration budgets spent on education in the last five years.

38. Please provide additional information concerning paragraph 230, specifically on the situation of teachers in isolated areas.

39. Please provide current statistics, broken down by age and sex, on the student population at all levels of the education system and on school absenteeism.

40. Please provide information on the extent of violence in schools in Japan. In particular, please clarify the situation with respect to the reportedly serious problem of bullying and the use of corporal punishment in schools.

41. Please provide information regarding children who do not go to school because of "school phobia" and those who drop out of school for various reasons.

42. Please provide information on the situation of Korean students studying in Japan, in connection with allegations by the International Association of Democratic Lawyers to the effect that Korean students' human rights have been violated by the Government of Japan.

43. Please provide information on the provision of human rights education in the school system and in the training of teachers, health workers, judges, members of the police force, civil servants and military personnel.

44. Please indicate the measures taken by Japan to facilitate access to education by older persons.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and protection of authors' rights

45. Please provide information on the results of the implementation of the 1997 Act to promote the Ainu culture and traditions.

46. Please provide information on the measures adopted by the State party to extend to the whole population, in particular to the most vulnerable groups, the benefits of culture and scientific progress and its applications.